

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:22-HC-2140-D

ALEX GONZALEZ,	)	
	)	
Petitioner,	)	
	)	
v.	)	<b>ORDER</b>
	)	
MALINDA L. KING, et al., <sup>1</sup>	)	
	)	
Respondents.	)	

Alex Gonzalez (“Gonzalez” or “petitioner”), a federal inmate proceeding pro se, seeks a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 [D.E. 1]. Gonzalez argues that he is entitled to additional credit against his sentence for a period of time he spent in pretrial detention. See [D.E. 1] 2, 6, 8; [D.E. 1-1, 1-2]. Respondent disagrees and asks the court to dismiss the petition. See [D.E. 9].

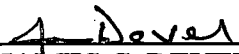
The court has reviewed the record under the governing standard. See 18 U.S.C. § 3585(b); United States v. Wilson, 503 U.S. 329, 337 (1992); Major v. Apker, 576 F. App’x 284, 288–89 (4th Cir. 2014) (per curiam) (unpublished); United States v. Poole, 531 F.3d 263, 271 (4th Cir. 2008); United States v. Cole, 416 F.3d 894, 897 (8th Cir. 2005); United States v. Evans, 159 F.3d 908, 911–12 (4th Cir. 1998). Gonzalez has demonstrated a genuine issue of material fact concerning whether the period of time between January 23 and November 15, 2007, has been credited against another sentence. Compare [D.E. 20-1] 5 with [D.E. 12-3]. Accordingly, the court DENIES

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<sup>1</sup> Collete Peters is not a proper respondent. See Rumsfeld v. Padilla, 542 U.S. 426, 433 (2004). Only the Warden at the Low Security Correctional Institution in Butner, North Carolina is the proper respondent.

respondent's motion for summary judgment [D.E. 9], GRANTS IN PART petitioner's application for a writ of habeas corpus [D.E. 1], and DIRECTS respondent to reconsider petitioner's request for sentencing credit for the time period between January 23 and November 15, 2007, pursuant to 18 U.S.C. § 3585(b). The clerk shall close the case.

SO ORDERED. This 17 day of May, 2023.

  
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JAMES C. DEVER III  
United States District Judge